

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3129, AS REPORTED
OFFERED BY MR. RANGEL OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Customs Border Secu-
3 rity Act of 2002”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

**Subtitle A—Drug Enforcement and Other Noncommercial and Commercial
Operations**

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.

Sec. 122. Study and report relating to personnel practices of the Customs Service.

Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 124. Establishment and implementation of cost accounting system; reports.

Sec. 125. Study and report relating to timeliness of prospective rulings.

Sec. 126. Study and report relating to Customs user fees.

Sec. 127. Fees for Customs inspections at express courier facilities.



Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Exclusive remedy for personal search claims.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.

Sec. 144. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.

Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

1 **TITLE I—UNITED STATES**
2 **CUSTOMS SERVICE**
3 **Subtitle A—Drug Enforcement and**
4 **Other Noncommercial and Com-**
5 **mercial Operations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NON-**
7 **COMMERCIAL OPERATIONS, COMMERCIAL**
8 **OPERATIONS, AND AIR AND MARINE INTER-**
9 **DICTION.**

10 (a) NONCOMMERCIAL OPERATIONS.—Section
11 301(b)(1) of the Customs Procedural Reform and Sim-



1 plification Act of 1978 (19 U.S.C. 2075(b)(1)) is
2 amended—

3 (1) in subparagraph (A) to read as follows:

4 “(A) \$899,121,000 for fiscal year 2002.”;

5 (2) in subparagraph (B) to read as follows:

6 “(B) \$1,365,456,000 for fiscal year
7 2003.”; and

8 (3) by adding at the end the following:

9 “(C) \$1,399,592,400 for fiscal year
10 2004.”.

11 (b) COMMERCIAL OPERATIONS.—

12 (1) IN GENERAL.—Section 301(b)(2)(A) of the
13 Customs Procedural Reform and Simplification Act
14 of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

15 (A) in clause (i) to read as follows:

16 “(i) \$1,606,068,000 for fiscal year 2002.”;

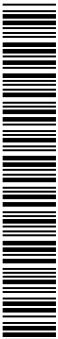
17 (B) in clause (ii) to read as follows:

18 “(ii) \$1,642,602,000 for fiscal year
19 2003.”; and

20 (C) by adding at the end the following:

21 “(iii) \$1,683,667,050 for fiscal year
22 2004.”.

23 (2) AUTOMATED COMMERCIAL ENVIRONMENT
24 COMPUTER SYSTEM.—Of the amount made available
25 for each of fiscal years 2002 through 2004 under

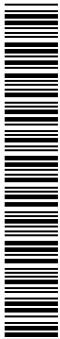


1 section 301(b)(2)(A) of the Customs Procedural Re-
2 form and Simplification Act of 1978 (19 U.S.C.
3 2075(b)(2)(A)), as amended by paragraph (1),
4 \$308,000,000 shall be available until expended for
5 each such fiscal year for the development, establish-
6 ment, and implementation of the Automated Com-
7 mercial Environment computer system.

8 (3) REPORTS.—Not later than 90 days after
9 the date of the enactment of this Act, and not later
10 than each subsequent 90-day period, the Commis-
11 sioner of Customs shall prepare and submit to the
12 Committee on Ways and Means of the House of
13 Representatives and the Committee on Finance of
14 the Senate a report demonstrating that the develop-
15 ment and establishment of the Automated Commer-
16 cial Environment computer system is being carried
17 out in a cost-effective manner and meets the mod-
18 ernization requirements of title VI of the North
19 American Free Trade Agreement Implementation
20 Act.

21 (c) AIR AND MARINE INTERDICTION.—Section
22 301(b)(3) of the Customs Procedural Reform and Sim-
23 plification Act of 1978 (19 U.S.C. 2075(b)(3)) is
24 amended—

25 (1) in subparagraph (A) to read as follows:



1 “(A) \$177,860,000 for fiscal year 2002.”;

2 (2) in subparagraph (B) to read as follows:

3 “(B) \$170,829,000 for fiscal year 2003.”;

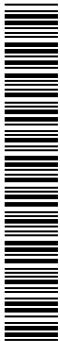
4 and

5 (3) by adding at the end the following:

6 “(C) \$175,099,725 for fiscal year 2004.”.

7 (d) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
8 TIONS.—Section 301(a) of the Customs Procedural Re-
9 form and Simplification Act of 1978 (19 U.S.C. 2075(a))
10 is amended by adding at the end the following:

11 “(3) By not later than the date on which the Presi-
12 dent submits to Congress the budget of the United States
13 Government for a fiscal year, the Commissioner of Cus-
14 toms shall submit to the Committee on Ways and Means
15 of the House of Representatives and the Committee on
16 Finance of the Senate the projected amount of funds for
17 the succeeding fiscal year that will be necessary for the
18 operations of the Customs Service as provided for in sub-
19 section (b).”.



1 **SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETEC-**
2 **TION EQUIPMENT FOR THE UNITED STATES-**
3 **MEXICO BORDER, UNITED STATES-CANADA**
4 **BORDER, AND FLORIDA AND THE GULF**
5 **COAST SEAPORTS.**

6 (a) FISCAL YEAR 2002.—Of the amounts made avail-
7 able for fiscal year 2002 under section 301(b)(1)(A) of
8 the Customs Procedural Reform and Simplification Act of
9 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
10 101(a) of this Act, \$90,244,000 shall be available until
11 expended for acquisition and other expenses associated
12 with implementation and deployment of antiterrorist and
13 illicit narcotics detection equipment along the United
14 States-Mexico border, the United States-Canada border,
15 and Florida and the Gulf Coast seaports, as follows:

16 (1) UNITED STATES-MEXICO BORDER.—For the
17 United States-Mexico border, the following:

18 (A) \$6,000,000 for 8 Vehicle and Con-
19 tainer Inspection Systems (VACIS).

20 (B) \$11,200,000 for 5 mobile truck x-rays
21 with transmission and backscatter imaging.

22 (C) \$13,000,000 for the upgrade of 8
23 fixed-site truck x-rays from the present energy
24 level of 450,000 electron volts to 1,000,000
25 electron volts (1–MeV).

26 (D) \$7,200,000 for 8 1–MeV pallet x-rays.



1 (E) \$1,000,000 for 200 portable contra-
2 band detectors (busters) to be distributed
3 among ports where the current allocations are
4 inadequate.

5 (F) \$600,000 for 50 contraband detection
6 kits to be distributed among all southwest bor-
7 der ports based on traffic volume.

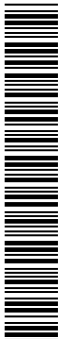
8 (G) \$500,000 for 25 ultrasonic container
9 inspection units to be distributed among all
10 ports receiving liquid-filled cargo and to ports
11 with a hazardous material inspection facility.

12 (H) \$2,450,000 for 7 automated targeting
13 systems.

14 (I) \$360,000 for 30 rapid tire deflator sys-
15 tems to be distributed to those ports where port
16 runners are a threat.

17 (J) \$480,000 for 20 portable Treasury En-
18 forcement Communications Systems (TECS)
19 terminals to be moved among ports as needed.

20 (K) \$1,000,000 for 20 remote watch sur-
21 veillance camera systems at ports where there
22 are suspicious activities at loading docks, vehi-
23 cle queues, secondary inspection lanes, or areas
24 where visual surveillance or observation is ob-
25 scured.



1 (L) \$1,254,000 for 57 weigh-in-motion
2 sensors to be distributed among the ports with
3 the greatest volume of outbound traffic.

4 (M) \$180,000 for 36 AM traffic informa-
5 tion radio stations, with 1 station to be located
6 at each border crossing.

7 (N) \$1,040,000 for 260 inbound vehicle
8 counters to be installed at every inbound vehicle
9 lane.

10 (O) \$950,000 for 38 spotter camera sys-
11 tems to counter the surveillance of customs in-
12 spection activities by persons outside the bound-
13 aries of ports where such surveillance activities
14 are occurring.

15 (P) \$390,000 for 60 inbound commercial
16 truck transponders to be distributed to all ports
17 of entry.

18 (Q) \$1,600,000 for 40 narcotics vapor and
19 particle detectors to be distributed to each bor-
20 der crossing.

21 (R) \$400,000 for license plate reader auto-
22 matic targeting software to be installed at each
23 port to target inbound vehicles.

24 (2) UNITED STATES-CANADA BORDER.—For the
25 United States-Canada border, the following:



1 (A) \$3,000,000 for 4 Vehicle and Con-
2 tainer Inspection Systems (VACIS).

3 (B) \$8,800,000 for 4 mobile truck x-rays
4 with transmission and backscatter imaging.

5 (C) \$3,600,000 for 4 1-MeV pallet x-rays.

6 (D) \$250,000 for 50 portable contraband
7 detectors (busters) to be distributed among
8 ports where the current allocations are inad-
9 equate.

10 (E) \$300,000 for 25 contraband detection
11 kits to be distributed among ports based on
12 traffic volume.

13 (F) \$240,000 for 10 portable Treasury
14 Enforcement Communications Systems (TECS)
15 terminals to be moved among ports as needed.

16 (G) \$400,000 for 10 narcotics vapor and
17 particle detectors to be distributed to each bor-
18 der crossing based on traffic volume.

19 (3) FLORIDA AND GULF COAST SEAPORTS.—
20 For Florida and the Gulf Coast seaports, the fol-
21 lowing:

22 (A) \$4,500,000 for 6 Vehicle and Con-
23 tainer Inspection Systems (VACIS).

24 (B) \$11,800,000 for 5 mobile truck x-rays
25 with transmission and backscatter imaging.



1 (C) \$7,200,000 for 8 1-MeV pallet x-rays.

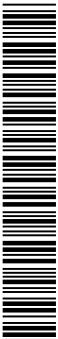
2 (D) \$250,000 for 50 portable contraband
3 detectors (busters) to be distributed among
4 ports where the current allocations are inad-
5 equate.

6 (E) \$300,000 for 25 contraband detection
7 kits to be distributed among ports based on
8 traffic volume.

9 (b) FISCAL YEAR 2003.—Of the amounts made avail-
10 able for fiscal year 2003 under section 301(b)(1)(B) of
11 the Customs Procedural Reform and Simplification Act of
12 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
13 101(a) of this Act, \$9,000,000 shall be available until ex-
14 pended for the maintenance and support of the equipment
15 and training of personnel to maintain and support the
16 equipment described in subsection (a).

17 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
18 EQUIPMENT; TRANSFER OF FUNDS.—

19 (1) IN GENERAL.—The Commissioner of Cus-
20 toms may use amounts made available for fiscal year
21 2002 under section 301(b)(1)(A) of the Customs
22 Procedural Reform and Simplification Act of 1978
23 (19 U.S.C. 2075(b)(1)(A)), as amended by section
24 101(a) of this Act, for the acquisition of equipment



1 other than the equipment described in subsection (a)
2 if such other equipment—

3 (A)(i) is technologically superior to the
4 equipment described in subsection (a); and

5 (ii) will achieve at least the same results at
6 a cost that is the same or less than the equip-
7 ment described in subsection (a); or

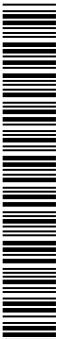
8 (B) can be obtained at a lower cost than
9 the equipment described in subsection (a).

10 (2) TRANSFER OF FUNDS.—Notwithstanding
11 any other provision of this section, the Commissioner
12 of Customs may reallocate an amount not to exceed
13 10 percent of—

14 (A) the amount specified in any of sub-
15 paragraphs (A) through (R) of subsection
16 (a)(1) for equipment specified in any other of
17 such subparagraphs (A) through (R);

18 (B) the amount specified in any of sub-
19 paragraphs (A) through (G) of subsection
20 (a)(2) for equipment specified in any other of
21 such subparagraphs (A) through (G); and

22 (C) the amount specified in any of sub-
23 paragraphs (A) through (E) of subsection
24 (a)(3) for equipment specified in any other of
25 such subparagraphs (A) through (E).



1 **SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN RE-**
2 **QUIREMENTS.**

3 As part of the annual performance plan for each of
4 the fiscal years 2002 and 2003 covering each program ac-
5 tivity set forth in the budget of the United States Customs
6 Service, as required under section 1115 of title 31, United
7 States Code, the Commissioner of Customs shall establish
8 performance goals, performance indicators, and comply
9 with all other requirements contained in paragraphs (1)
10 through (6) of subsection (a) of such section with respect
11 to each of the activities to be carried out pursuant to sec-
12 tion 102.

13 **Subtitle B—Child Cyber-Smuggling**
14 **Center of the Customs Service**

15 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
16 **GRAM TO PREVENT CHILD PORNOGRAPHY/**
17 **CHILD SEXUAL EXPLOITATION.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
19 authorized to be appropriated to the Customs Service
20 \$10,000,000 for fiscal year 2002 to carry out the program
21 to prevent child pornography/child sexual exploitation es-
22 tablished by the Child Cyber-Smuggling Center of the
23 Customs Service.

24 (b) **USE OF AMOUNTS FOR CHILD PORNOGRAPHY**
25 **CYBER TIPLINE.**—Of the amount appropriated under sub-
26 section (a), the Customs Service shall provide 3.75 percent



1 of such amount to the National Center for Missing and
2 Exploited Children for the operation of the child pornog-
3 raphy cyber tipline of the Center and for increased public
4 awareness of the tipline.

5 **Subtitle C—Miscellaneous**
6 **Provisions**

7 **SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR**
8 **UNITED STATES-CANADA BORDER.**

9 Of the amount made available for fiscal year 2002
10 under paragraphs (1) and (2)(A) of section 301(b) of the
11 Customs Procedural Reform and Simplification Act of
12 1978 (19 U.S.C. 2075(b)), as amended by section 101 of
13 this Act, \$28,300,000 shall be available until expended for
14 the Customs Service to hire approximately 285 additional
15 Customs Service officers to address the needs of the of-
16 fices and ports along the United States-Canada border.

17 **SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL**
18 **PRACTICES OF THE CUSTOMS SERVICE.**

19 (a) STUDY.—The Commissioner of Customs shall
20 conduct a study of current personnel practices of the Cus-
21 toms Service, including an overview of performance stand-
22 ards and the effect and impact of the collective bargaining
23 process on drug interdiction efforts of the Customs Service
24 and a comparison of duty rotation policies of the Customs



1 Service and other Federal agencies that employ similarly-
2 situated personnel.

3 (b) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, the Commissioner of Cus-
5 toms shall submit to the Committee on Ways and Means
6 of the House of Representatives and the Committee on
7 Finance of the Senate a report containing the results of
8 the study conducted under subsection (a).

9 **SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING**
10 **AND AUDITING PROCEDURES OF THE CUS-**
11 **TOMS SERVICE.**

12 (a) STUDY.—(1) The Commissioner of Customs shall
13 conduct a study of actions by the Customs Service to en-
14 sure that appropriate training is being provided to Cus-
15 toms Service personnel who are responsible for financial
16 auditing of importers.

17 (2) In conducting the study, the Commissioner—

18 (A) shall specifically identify those actions
19 taken to comply with provisions of law that protect
20 the privacy and trade secrets of importers, such as
21 section 552(b) of title 5, United States Code, and
22 section 1905 of title 18, United States Code; and

23 (B) shall provide for public notice and comment
24 relating to verification of the actions described in
25 subparagraph (A).



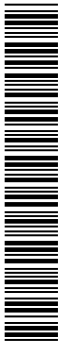
1 (b) REPORT.—Not later than 6 months after the date
2 of the enactment of this Act, the Commissioner of Cus-
3 toms shall submit to the Committee on Ways and Means
4 of the House of Representatives and the Committee on
5 Finance of the Senate a report containing the results of
6 the study conducted under subsection (a).

7 **SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF**
8 **COST ACCOUNTING SYSTEM; REPORTS.**

9 (a) ESTABLISHMENT AND IMPLEMENTATION.—

10 (1) IN GENERAL.—Not later than September
11 30, 2003, the Commissioner of Customs shall, in ac-
12 cordance with the audit of the Customs Service's fis-
13 cal years 2000 and 1999 financial statements (as
14 contained in the report of the Office of the Inspector
15 General of the Department of the Treasury issued
16 on February 23, 2001), establish and implement a
17 cost accounting system for expenses incurred in both
18 commercial and noncommercial operations of the
19 Customs Service.

20 (2) ADDITIONAL REQUIREMENT.—The cost ac-
21 counting system described in paragraph (1) shall
22 provide for an identification of expenses based on
23 the type of operation, the port at which the oper-
24 ation took place, the amount of time spent on the
25 operation by personnel of the Customs Service, and



1 an identification of expenses based on any other ap-
2 propriate classification necessary to provide for an
3 accurate and complete accounting of the expenses.

4 (b) REPORTS.—Beginning on the date of the enact-
5 ment of this Act and ending on the date on which the
6 cost accounting system described in subsection (a) is fully
7 implemented, the Commissioner of Customs shall prepare
8 and submit to Congress on a quarterly basis a report on
9 the progress of implementing the cost accounting system
10 pursuant to subsection (a).

11 **SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS**
12 **OF PROSPECTIVE RULINGS.**

13 (a) STUDY.—The Comptroller General shall conduct
14 a study on the extent to which the Office of Regulations
15 and Rulings of the Customs Service has made improve-
16 ments to decrease the amount of time to issue prospective
17 rulings from the date on which a request for the ruling
18 is received by the Customs Service.

19 (b) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit to the Committee on Ways and Means of the
22 House of Representatives and the Committee on Finance
23 of the Senate a report containing the results of the study
24 conducted under subsection (a).



1 (c) DEFINITION.—In this section, the term “prospec-
2 tive ruling” means a ruling that is requested by an im-
3 porter on goods that are proposed to be imported into the
4 United States and that relates to the proper classification,
5 valuation, or marking of such goods.

6 **SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS**
7 **USER FEES.**

8 (a) STUDY.—The Comptroller General shall conduct
9 a study on the extent to which the amount of each customs
10 user fee imposed under section 13031(a) of the Consoli-
11 dated Omnibus Budget Reconciliation Act of 1985 (19
12 U.S.C. 58c(a)) is commensurate with the level of services
13 provided by the Customs Service relating to the fee so im-
14 posed.

15 (b) REPORT.—Not later than 120 days after the date
16 of the enactment of this Act, the Comptroller General shall
17 submit to the Committee on Ways and Means of the
18 House of Representatives and the Committee on Finance
19 of the Senate a report in classified form containing—

20 (1) the results of the study conducted under
21 subsection (a); and

22 (2) recommendations for the appropriate
23 amount of the customs user fees if such results indi-
24 cate that the fees are not commensurate with the
25 level of services provided by the Customs Service.



1 **SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS**
2 **COURIER FACILITIES.**

3 (a) IN GENERAL.—Section 13031(b)(9) of the Con-
4 solidated Omnibus Budget Reconciliation Act of 1985 (19
5 U.S.C. 58c(b)(9)) is amended as follows:

6 (1) In subparagraph (A)—

7 (A) in the matter preceding clause (i), by
8 striking “the processing of merchandise that is
9 informally entered or released” and inserting
10 “the processing of letters, documents, records,
11 shipments, merchandise, or any other item that
12 is valued at an amount under \$2,000 (or such
13 higher amount as the Secretary may set by reg-
14 ulation pursuant to section 498 of the Tariff
15 Act of 1930), whether or not such items are in-
16 formally entered or released (except items en-
17 tered or released for immediate exportation),”;
18 and

19 (B) in clause (ii) to read as follows:

20 “(ii) In the case of an express consignment
21 carrier facility or centralized hub facility, \$.66
22 per individual airway bill or bill of lading.”.

23 (2) By redesignating subparagraph (B) as sub-
24 paragraph (C) and inserting after subparagraph (A)
25 the following:



1 “(B)(i) For fiscal year 2004 and subsequent
2 fiscal years, the Secretary of the Treasury may ad-
3 just (not more than once per fiscal year) the amount
4 described in subparagraph (A)(ii) to not less than
5 \$.35 but not more than \$1.00 per individual airway
6 bill or bill of lading. The Secretary shall provide no-
7 tice in the Federal Register of a proposed adjust-
8 ment under the preceding sentence and the reasons
9 therefor and shall allow for public comment on the
10 proposed adjustment.

11 “(ii) The payment required by subparagraph
12 (A)(ii) shall be the only payment required for reim-
13 bursement of the Customs Service in connection with
14 the processing of an individual airway bill or bill of
15 lading in accordance with such subparagraph, except
16 that the Customs Service may charge a fee to cover
17 expenses of the Customs Service for adequate office
18 space, equipment, furnishings, supplies, and secu-
19 rity.

20 “(iii)(I) The payment required by subparagraph
21 (A)(ii) and clause (ii) shall be paid on a quarterly
22 basis to the Customs Service in accordance with reg-
23 ulations prescribed by the Secretary of the Treasury.

24 “(II) 50 percent of the amount of payments re-
25 ceived under subparagraph (A)(ii) and clause (ii)



1 shall, in accordance with section 524 of the Tariff
2 Act of 1930, be deposited as a refund to the appro-
3 priation for the amount paid out of that appropria-
4 tion for the costs incurred in providing services to
5 express consignment carrier facilities or centralized
6 hub facilities. Amounts deposited in accordance with
7 the preceding sentence shall be available until ex-
8 pended for the provision of customs services to ex-
9 press consignment carrier facilities or centralized
10 hub facilities.

11 “(III) Notwithstanding section 524 of the Tar-
12 iff Act of 1930, the remaining 50 percent of the
13 amount of payments received under subparagraph
14 (A)(ii) and clause (ii) shall be paid to the Secretary
15 of the Treasury, which is in lieu of the payment of
16 fees under subsection (a)(10) of this section.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) take effect on October 1, 2002.

19 **SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.**

20 Section 411(b) of the Tariff Act of 1930 (19 U.S.C.
21 1411(b)) is amended by striking the second sentence and
22 inserting the following: “The Secretary may, by regula-
23 tion, require the electronic submission of information de-
24 scribed in subsection (a) or any other information required



1 to be submitted to the Customs Service separately pursu-
2 ant to this subpart.”.

3 **Subtitle D—Antiterrorism** 4 **Provisions**

5 **SEC. 141. EXCLUSIVE REMEDY FOR PERSONAL SEARCH** 6 **CLAIMS.**

7 (a) EXCLUSIVE REMEDY.—Section 3061 of the Re-
8 vised Statutes of the United States (19 U.S.C. 482) is
9 amended—

10 (1) by striking “Any of the officers” and insert-
11 ing “(a) Any of the officers”; and

12 (2) by adding at the end the following:

13 “(b) The remedy against the United States for claims
14 arising from the search of a person made pursuant to sub-
15 section (a) by any officer or employee of the Federal gov-
16 ernment while acting within the scope of his office or em-
17 ployment is exclusive of any other civil action or pro-
18 ceeding for money damages by reason of the same subject
19 matter against the employee whose act or omission gave
20 rise to the claim or against the estate of such employee.
21 The United States shall be liable for any such claim, and
22 any other civil action or proceeding for money damages
23 arising out of or relating to the same subject matter
24 against the employee or the employees estate is precluded
25 without regard to when the act or omission occurred.”.



1 (b) REQUIREMENT TO POST POLICY AND PROCE-
2 DURES FOR SEARCHES OF PASSENGERS.—Not later than
3 30 days after the date of the enactment of this Act, the
4 Commissioner of the Customs Service shall ensure that at
5 each Customs border facility appropriate notice is posted
6 that provides a summary of the policy and procedures of
7 the Customs Service for searching passengers, including
8 a statement of the policy relating to the prohibition on
9 the conduct of profiling of passengers based on gender,
10 race, color, religion, or ethnic background.

11 **SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS**
12 **OF ENTRY, OR STAFFING OF THE CUSTOMS**
13 **SERVICE.**

14 Section 318 of the Tariff Act of 1930 (19 U.S.C.
15 1318) is amended—

16 (1) by striking “Whenever the President” and
17 inserting “(a) Whenever the President”; and

18 (2) by adding at the end the following:

19 “(b)(1) Notwithstanding any other provision of law,
20 the Secretary of the Treasury, when necessary to respond
21 to a national emergency declared under the National
22 Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific
23 threat to human life or national interests, is authorized
24 to take the following actions on a temporary basis:



1 “(A) Eliminate, consolidate, or relocate any of-
2 fice or port of entry of the Customs Service.

3 “(B) Modify hours of service, alter services ren-
4 dered at any location, or reduce the number of em-
5 ployees at any location.

6 “(C) Take any other action that may be nec-
7 essary to directly respond to the national emergency
8 or specific threat.

9 “(2) Notwithstanding any other provision of law, the
10 Commissioner of Customs, when necessary to respond to
11 a specific threat to human life or national interests, is au-
12 thorized to close temporarily any Customs office or port
13 of entry or take any other lesser action that may be nec-
14 essary to respond to the specific threat.

15 “(3) The Secretary of the Treasury or the Commis-
16 sioner of Customs, as the case may be, shall notify the
17 Committee on Ways and Means of the House of Rep-
18 resentatives and the Committee on Finance of the Senate
19 not later than 72 hours after taking any action under
20 paragraph (1) or (2).”.

21 **SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMA-**
22 **TION FOR CARGO AND PASSENGERS.**

23 (a) CARGO INFORMATION.—

24 (1) IN GENERAL.—Section 431(b) of the Tariff
25 Act of 1930 (19 U.S.C. 1431(b)) is amended—



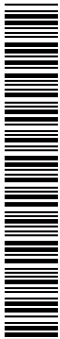
1 (A) in the first sentence, by striking “Any
2 manifest” and inserting “(1) Any manifest”;
3 and

4 (B) by adding at the end the following:

5 “(2)(A) In addition to any other requirement under
6 this section, for each land, air, or vessel carrier required
7 to make entry under the customs laws of the United
8 States, the pilot, the master, operator, or owner of such
9 carrier (or the authorized agent of such operator or owner)
10 shall provide by electronic transmission cargo manifest in-
11 formation in advance of such entry in such manner, time,
12 and form as prescribed under regulations by the Sec-
13 retary. The Secretary may exclude any class of land, air,
14 or vessel carrier for which the Secretary concludes the re-
15 quirements of this subparagraph are not necessary.

16 “(B) The Secretary shall cooperate with other appro-
17 priate Federal departments and agencies for the purpose
18 of providing to such departments and agencies as soon as
19 practicable cargo manifest information obtained pursuant
20 to subparagraph (A). In carrying out the preceding sen-
21 tence, the Secretary, to the maximum extent practicable,
22 shall protect the privacy and property rights with respect
23 to the cargo involved.”.

24 (2) CONFORMING AMENDMENTS.—Subpara-
25 graphs (A) and (C) of section 431(d)(1) of such Act



1 are each amended by inserting before the semicolon
2 “or subsection (b)(2)”.

3 (b) PASSENGER INFORMATION.—Part II of title IV
4 of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is
5 amended by inserting after section 431 the following:

6 **“SEC. 432. PASSENGER AND CREW INFORMATION RE-**
7 **QUIRED FOR LAND, AIR, OR VESSEL CAR-**
8 **RIERS.**

9 “(a) IN GENERAL.—For every person arriving or de-
10 parting on a land, air, or vessel carrier required to make
11 entry or obtain clearance under the customs laws of the
12 United States, the pilot, the master, operator, or owner
13 of such carrier (or the authorized agent of such operator
14 or owner) shall provide by electronic transmission informa-
15 tion described in subsection (b) in advance of such entry
16 or clearance in such manner, time, and form as prescribed
17 under regulations by the Secretary.

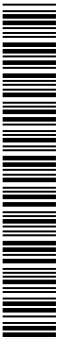
18 “(b) INFORMATION DESCRIBED.—The information
19 described in this subsection shall include for each person
20 described in subsection (a), if applicable, the person’s—

21 “(1) full name;

22 “(2) date of birth and citizenship;

23 “(3) gender;

24 “(4) passport number and country of issuance;



1 “(5) United States visa number or resident
2 alien card number;

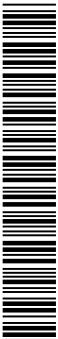
3 “(6) passenger name record; and

4 “(7) such additional information that the Sec-
5 retary, by regulation, determines is reasonably nec-
6 essary to ensure aviation and maritime safety pursu-
7 ant to the laws enforced or administered by the Cus-
8 toms Service.

9 “(c) SHARING OF INFORMATION.—The Secretary
10 shall cooperate with other appropriate Federal depart-
11 ments and agencies for the purpose of providing to such
12 departments and agencies as soon as practicable electronic
13 transmission information obtained pursuant to subsection
14 (a). In carrying out the preceding sentence, the Secretary,
15 to the maximum extent practicable, shall protect the pri-
16 vacy rights of the person with respect to which the infor-
17 mation relates.”.

18 (c) DEFINITION.—Section 401 of the Tariff Act of
19 1930 (19 U.S.C. 1401) is amended by adding at the end
20 the following:

21 “(t) The term ‘land, air, or vessel carrier’ means a
22 land, air, or vessel carrier, as the case may be, that trans-
23 ports goods or passengers for payment or other consider-
24 ation, including money or services rendered.”.



1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect beginning 45 days after the
3 date of the enactment of this Act.

4 **SEC. 144. AUTHORIZATION OF APPROPRIATIONS FOR REES-**
5 **TABLISHMENT OF CUSTOMS OPERATIONS IN**
6 **NEW YORK CITY.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated for the reestablishment of operations of
10 the Customs Service in New York, New York, such
11 sums as may be necessary for fiscal year 2002.

12 (2) OPERATIONS DESCRIBED.—The operations
13 referred to in paragraph (1) include, but are not
14 limited to, the following:

15 (A) Operations relating to the Port Direc-
16 tor of New York City, the New York Customs
17 Management Center (including the Director of
18 Field Operations), and the Special Agent-In-
19 Charge for New York.

20 (B) Commercial operations, including tex-
21 tile enforcement operations and salaries and ex-
22 penses of—

23 (i) trade specialists who determine the
24 origin and value of merchandise;



1 (ii) analysts who monitor the entry
2 data into the United States of textiles and
3 textile products; and

4 (iii) Customs officials who work with
5 foreign governments to examine textile
6 makers and verify entry information.

7 (b) AVAILABILITY.—Amounts appropriated pursuant
8 to the authorization of appropriations under subsection (a)
9 are authorized to remain available until expended.

10 **Subtitle E—Textile Transshipment**
11 **Provisions**

12 **SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONI-**
13 **TORING BY CUSTOMS SERVICE.**

14 (a) GAO AUDIT.—The Comptroller General of the
15 United States shall conduct an audit of the system estab-
16 lished and carried out by the Customs Service to monitor
17 textile transshipment.

18 (b) REPORT.—Not later than 9 months after the date
19 of enactment of this Act, the Comptroller General shall
20 submit to the Committee on Ways and Means of the
21 House of Representatives and Committee on Finance of
22 the Senate a report that contains the results of the study
23 conducted under subsection (a), including recommenda-
24 tions for improvements to the transshipment monitoring
25 system if applicable.



1 (c) TRANSSHIPMENT DESCRIBED.—Transshipment
2 within the meaning of this section has occurred when pref-
3 erential treatment under any provision of law has been
4 claimed for a textile or apparel article on the basis of ma-
5 terial false information concerning the country of origin,
6 manufacture, processing, or assembly of the article or any
7 of its components. For purposes of the preceding sentence,
8 false information is material if disclosure of the true infor-
9 mation would mean or would have meant that the article
10 is or was ineligible for preferential treatment under the
11 provision of law in question.

12 **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEX-**
13 **TILE TRANSSHIPMENT ENFORCEMENT OPER-**
14 **ATIONS.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated for textile transshipment enforcement
18 operations of the Customs Service \$9,500,000 for
19 fiscal year 2002.

20 (2) AVAILABILITY.—Amounts appropriated pur-
21 suant to the authorization of appropriations under
22 paragraph (1) are authorized to remain available
23 until expended.

24 (b) USE OF FUNDS.—Of the amount appropriated
25 pursuant to the authorization of appropriations under sub-



1 section (a), the following amounts are authorized to be
2 made available for the following purposes:

3 (1) IMPORT SPECIALISTS.—\$1,463,000 for 21
4 Customs import specialists to be assigned to selected
5 ports for documentation review to support detentions
6 and exclusions and 1 additional Customs import spe-
7 cialist assigned to the Customs headquarters textile
8 program to administer the program and provide
9 oversight.

10 (2) INSPECTORS.—\$652,080 for 10 Customs
11 inspectors to be assigned to selected ports to exam-
12 ine targeted high-risk shipments.

13 (3) INVESTIGATORS.—(A) \$1,165,380 for 10
14 investigators to be assigned to selected ports to in-
15 vestigate instances of smuggling, quota and trade
16 agreement circumvention, and use of counterfeit
17 visas to enter inadmissible goods.

18 (B) \$149,603 for 1 investigator to be assigned
19 to Customs headquarters textile program to coordi-
20 nate and ensure implementation of textile production
21 verification team results from an investigation per-
22 spective.

23 (4) INTERNATIONAL TRADE SPECIALISTS.—
24 \$226,500 for 3 international trade specialists to be
25 assigned to Customs headquarters to be dedicated to



1 illegal textile transshipment policy issues and other
2 free trade agreement enforcement issues.

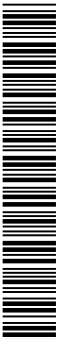
3 (5) PERMANENT IMPORT SPECIALISTS FOR
4 HONG KONG.—\$500,000 for 2 permanent import
5 specialist positions and \$500,000 for 2 investigators
6 to be assigned to Hong Kong to work with Hong
7 Kong and other government authorities in Southeast
8 Asia to assist such authorities pursue proactive en-
9 forcement of bilateral trade agreements.

10 (6) VARIOUS PERMANENT TRADE POSITIONS.—
11 \$3,500,000 for the following:

12 (A) 2 permanent positions to be assigned
13 to the Customs attaché office in Central Amer-
14 ica to address trade enforcement issues for that
15 region.

16 (B) 2 permanent positions to be assigned
17 to the Customs attaché office in South Africa to
18 address trade enforcement issues pursuant to
19 the African Growth and Opportunity Act (title
20 I of Public Law 106–200).

21 (C) 4 permanent positions to be assigned
22 to the Customs attaché office in Mexico to ad-
23 dress the threat of illegal textile transshipment
24 through Mexico and other related issues under



1 the North American Free Trade Agreement
2 Act.

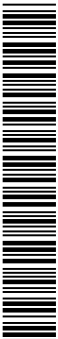
3 (D) 2 permanent positions to be assigned
4 to the Customs attaché office in Seoul, South
5 Korea, to address the trade issues in the geo-
6 graphic region.

7 (E) 2 permanent positions to be assigned
8 to the proposed Customs attaché office in New
9 Delhi, India, to address the threat of illegal tex-
10 tile transshipment and other trade enforcement
11 issues.

12 (F) 2 permanent positions to be assigned
13 to the Customs attaché office in Rome, Italy, to
14 address trade enforcement issues in the geo-
15 graphic region, including issues under free
16 trade agreements with Jordan and Israel.

17 (7) ATTORNEYS.—\$179,886 for 2 attorneys for
18 the Office of the Chief Counsel of the Customs Serv-
19 ice to pursue cases regarding illegal textile trans-
20 shipment.

21 (8) AUDITORS.—\$510,000 for 6 Customs audi-
22 tors to perform internal control reviews and docu-
23 ment and record reviews of suspect importers.



1 (9) ADDITIONAL TRAVEL FUNDS.—\$250,000
2 for deployment of additional textile production ver-
3 ification teams to sub-Saharan Africa.

4 (10) TRAINING.—(A) \$75,000 for training of
5 Customs personnel.

6 (B) \$200,000 for training for foreign counter-
7 parts in risk management analytical techniques and
8 for teaching factory inspection techniques, model law
9 Development, and enforcement techniques.

10 (11) OUTREACH.—\$60,000 for outreach efforts
11 to United States importers.

12 **SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH**
13 **AND OPPORTUNITY ACT.**

14 Of the amount made available for fiscal year 2002
15 under section 301(b)(2)(A) of the Customs Procedural Re-
16 form and Simplification Act of 1978 (19 U.S.C.
17 2075(b)(2)(A)), as amended by section 101(b)(1) of this
18 Act, \$1,317,000 shall be available until expended for the
19 Customs Service to provide technical assistance to help
20 sub-Saharan Africa countries develop and implement ef-
21 fective visa and anti-transshipment systems as required by
22 the African Growth and Opportunity Act (title I of Public
23 Law 106–200), as follows:

24 (1) TRAVEL FUNDS.—\$600,000 for import spe-
25 cialists, special agents, and other qualified Customs



1 personnel to travel to sub-Saharan Africa countries
2 to provide technical assistance in developing and im-
3 plementing effective visa and anti-transshipment sys-
4 tems.

5 (2) IMPORT SPECIALISTS.—\$266,000 for 4 im-
6 port specialists to be assigned to Customs head-
7 quarters to be dedicated to providing technical as-
8 sistance to sub-Saharan African countries for devel-
9 oping and implementing effective visa and anti-
10 transshipment systems.

11 (3) DATA RECONCILIATION ANALYSTS.—
12 \$151,000 for 2 data reconciliation analysts to review
13 apparel shipments.

14 (4) SPECIAL AGENTS.—\$300,000 for 2 special
15 agents to be assigned to Customs headquarters to be
16 available to provide technical assistance to sub-Saha-
17 ran African countries in the performance of inves-
18 tigations and other enforcement initiatives.

19 **TITLE II—OFFICE OF THE**
20 **UNITED STATES TRADE REP-**
21 **RESENTATIVE**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—Section 141(g)(1) of the Trade
24 Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

25 (1) in subparagraph (A)—



1 (A) in the matter preceding clause (i), by
2 striking “not to exceed”;

3 (B) in clause (i) to read as follows:

4 “(i) \$30,000,000 for fiscal year 2002.”;

5 (C) in clause (ii) to read as follows:

6 “(ii) \$32,300,000 for fiscal year 2003.”; and

7 (D) by adding at the end the following:

8 “(iii) \$33,108,000 for fiscal year 2004.”; and

9 (2) in subparagraph (B)—

10 (A) in clause (i), by adding “and” at the
11 end;

12 (B) by striking clause (ii); and

13 (C) by redesignating clause (iii) as clause
14 (ii).

15 (b) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
16 TIONS.—Section 141(g) of the Trade Act of 1974 (19
17 U.S.C. 2171(g)) is amended by adding at the end the fol-
18 lowing:

19 “(3) By not later than the date on which the Presi-
20 dent submits to Congress the budget of the United States
21 Government for a fiscal year, the United States Trade
22 Representative shall submit to the Committee on Ways
23 and Means of the House of Representatives and the Com-
24 mittee on Finance of the Senate the projected amount of



1 funds for the succeeding fiscal year that will be necessary
2 for the Office to carry out its functions.”.

3 (c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT
4 U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AF-
5 FAIRS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated such sums as may be necessary for fis-
8 cal year 2002 for the salaries and expenses of two
9 additional legislative specialist employee positions
10 within the Office of the Assistant United States
11 Trade Representative for Congressional Affairs.

12 (2) AVAILABILITY.—Amounts appropriated pur-
13 suant to the authorization of appropriations under
14 paragraph (1) are authorized to remain available
15 until expended.

16 **TITLE III—UNITED STATES**
17 **INTERNATIONAL TRADE COM-**
18 **MISSION**

19 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff
21 Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

22 (1) in clause (i) to read as follows:

23 “(i) \$51,440,000 for fiscal year 2002.”;

24 (2) in clause (ii) to read as follows:

25 “(ii) \$54,000,000 for fiscal year 2003.”; and



1 (3) by adding at the end the following:

2 “(iii) \$57,240,000 for fiscal year 2004.”.

3 (b) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
4 TIONS.—Section 330(e) of the Tariff Act of 1930 (19
5 U.S.C. 1330(e)(2)) is amended by adding at the end the
6 following:

7 “(4) By not later than the date on which the Presi-
8 dent submits to Congress the budget of the United States
9 Government for a fiscal year, the Commission shall submit
10 to the Committee on Ways and Means of the House of
11 Representatives and the Committee on Finance of the
12 Senate the projected amount of funds for the succeeding
13 fiscal year that will be necessary for the Commission to
14 carry out its functions.”.

15 **TITLE IV—OTHER TRADE**
16 **PROVISIONS**

17 **SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES**

18 **EXEMPT FROM DUTY ACQUIRED ABROAD BY**

19 **UNITED STATES RESIDENTS.**

20 (a) IN GENERAL.—Subheading 9804.00.65 of the
21 Harmonized Tariff Schedule of the United States is
22 amended in the article description column by striking
23 “\$400” and inserting “\$800”.



1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect 90 days after the date of
3 the enactment of this Act.

4 **SEC. 402. REGULATORY AUDIT PROCEDURES.**

5 Section 509(b) of the Tariff Act of 1930 (19 U.S.C.
6 1509(b)) is amended by adding at the end the following:

7 “(6)(A) If during the course of any audit con-
8 cluded under this subsection, the Customs Service
9 identifies overpayments of duties or fees or over-dec-
10 larations of quantities or values that are within the
11 time period and scope of the audit that the Customs
12 Service has defined, then in calculating the loss of
13 revenue or monetary penalties under section 592,
14 the Customs Service shall treat the overpayments or
15 over-declarations on finally liquidated entries as an
16 offset to any underpayments or underdeclarations
17 also identified on finally liquidated entries if such
18 overpayments or over-declarations were not made by
19 the person being audited for the purpose of violating
20 any provision of law.

21 “(B) Nothing in this paragraph shall be con-
22 strued to authorize a refund not otherwise author-
23 ized under section 520.”.

Amend the title so as to read: “A bill to authorize
appropriations for fiscal years 2002 through 2004 for the



United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.

